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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 ISAIAH GARONE,

12 Plaintiff,

13 v.

14 GLADYS MENCAS,

15 Defendant.  
16

No. 2:22-cv-2310 DAD CSK P

ORDER

17 On October 24, 2025, defendant filed a motion for summary judgment pursuant to Federal  
18 Rule of Civil Procedure 56. Plaintiff did not oppose the motion.

19 Local Rule 230(l) provides in part: “Failure of the responding party to file written  
20 opposition or to file a statement of no opposition may be deemed a waiver of any opposition to  
21 the granting of the motion . . . .” Local Rule 230(l). On October 24, 2025, plaintiff was advised  
22 of the requirements for filing an opposition to a motion and that failure to oppose such a motion  
23 may be deemed a waiver of opposition to the motion. (ECF No. 35 at 2 (citing Rand v. Rowland,  
24 154 F.3d 952, 957 (9th Cir. 1998) (en banc)).)

25 Rule 41(b) of the Federal Rules of Civil Procedure provides:

26 **Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute or  
27 to comply with these rules or a court order, a defendant may move to  
28 dismiss the action or any claim against it. Unless the dismissal order  
states otherwise, a dismissal under this subdivision (b) and any  
dismissal not under this rule—except one for lack of jurisdiction,

improper venue, or failure to join a party under Rule 19—operates as an adjudication on the merits.

Fed. R. Civ. P. 41(b).

Good cause appearing, IT IS HEREBY ORDERED that, within thirty days from the date of this order, plaintiff shall file an opposition, if any, to the motion for summary judgment. (ECF No. 35.) Failure to file an opposition will be deemed as consent to have the: (a) action dismissed for lack of prosecution; and (b) action dismissed based on plaintiff's failure to comply with these rules and a court order. Said failure shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

Dated: December 2, 2025

  
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CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE

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